

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK A. BOUSSUM, #160825,
BENJAMIN PLATT, #407754,
and KENNETH HARRISON, #173108,

Plaintiffs,

Case No. 09-12929

Hon. Marianne O. Battani

v.

D. SCUTT, K. RYAN, B. GARDON,
L. McMILLAN, G. JOHNSON,
F. VAN GOETHEM, H. ELUM,
JENNIFER GRANHOLM and
PATRICIA L. CARUSO,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiffs Mark Boussum, Ben Platt and Kenneth Harrison bring this civil action pursuant to 42 U.S.C. § 1983 challenging the constitutionality of various conditions of their confinement at the G. Robert Cotton Correctional Facility in Jackson, Michigan. The case was referred to Magistrate Judge Mark A. Randon for all pretrial proceedings. See, 28 U.S.C. § 636(b)(1); (Doc. 15).

On October 8, 2010, the Magistrate Judge recommended that the Court grant Defendant Van Goethem's Motion to Dismiss (Doc. No. 29), grant the remaining Defendants' Motion for Dismissal (Doc. 39), and dismiss Plaintiffs' complaint without prejudice. (Doc. 41). The Magistrate Judge informed the parties that objections to the R&R must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. See (Doc. 41 at 9); 28 U.S.C. § 636(b)(1) and E.D.

Mich. LR 72.1(d)(2); Thomas v. Arn, 474 U.S. 140 (1985).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation, **GRANTS** Defendants' motions to dismiss, and **DISMISSES** Plaintiff's Complaint without prejudice.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: November 3, 2010

CERTIFICATE OF SERVICE

Copies of this Order were mailed to Plaintiff and counsel of record on this date by ordinary mail and/or electronic filing.

s/Bernadette M. Thebolt
Case Manager